



Yakima Health District
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December 6, 2005

Dear Business Owner:

On December 8, 2005, the new initiative 901 will prohibit smoking in public places and places of employment, including restaurants, bars, taverns, and non-tribal casinos. To assist you with complying with the new law, the State Department of Health previously mailed liquor licensees materials and signs to use. This letter is primarily to businesses that operate private clubs that currently allow smoking.

The Yakima Health District staff has received numerous calls from local private clubs requesting clarification on how the law applies to private clubs. Staff reviewed the new law with legal counsel and here is the Yakima Health District's interpretation of the law as of this time:

- Smoking is not allowed in public places or places of employment.
- Public places are buildings or the portions of buildings that are open to the public.
- Public places include being within 25 feet of a door, window that opens, or the ventilation system intake.
- Place of employment means any area (indoors or outdoors) that employees have to go into or through to do their job.
- Place of employment includes any area being within 25 feet of a door, window that opens, or the intake ventilation system.
- *Examples:*
 - There is no smoking on outdoor decks or outside areas where food or drinks are served because employees have to go to those areas.
 - There can be a smoking area for employees and patrons if it is outside, more than 25 feet from a door, open window, or ventilation system, and employees do not have to go through this area while they are working.

A private club may be considered a public place if visitors or members of the general public are allowed in the building. Private clubs are a "place of employment" if you have employees. Some clubs may consider that they are exempt from the law because they have "volunteers" not employees. Please be aware that the term employee has other impacts on your business, such as the obligation to pay unemployment insurance, workman's compensation insurance, and payroll taxes. Also, liquor licensees are required to have an employee present.

We continue to work on implementing this new law. If you have any additional questions or would like additional materials, please contact the Yakima Health District (509) 249-6516. This letter is meant to provide guidance, but it is not intended to be an authoritative legal interpretation.

Sincerely,

Yakima Health District